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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:11-CR-250-MMD-(CWH)
)	
RHYN EMIL CAMPBELL, and)	
PHILLIP BERRY,)	
)	
Defendants.)	

**UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS
EXPIRED IN UNITED STATES CURRENCY LISTED IN THE PRELIMINARY ORDER
OF FORFEITURE, AMENDED PRELIMINARY ORDER OF FORFEITURE, AND FINAL
ORDERS OF FORFEITURE**

The United States of America, by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully notifies this Honorable Court that its interests and rights in the following property expired pursuant to Title 21, United States Code, Section 853(h):

1. \$1,000 in United States Currency.

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1 This Notice is made and is based on the papers and pleadings on file herein and the attached
2 Memorandum of Points and Authorities.

3 A proposed order is submitted with this Notice.

4 Dated this 17th day of October, 2013.

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Daniel D. Hollingsworth
8 DANIEL D. HOLLINGSWORTH
9 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

A Five-Count Criminal Indictment was returned against Rhyn Emil Campbell (“Campbell”) and Phillip Berry (“Berry”) on July 6, 2011. Criminal Indictment, ECF No. 1. Campbell pled guilty to Count Four of the Criminal Indictment (ECF No. 1) on November 26, 2012. Change of Plea Minutes, ECF No. 68; Plea Memorandum, ECF No. 69. Berry pled guilty to Count One of the Criminal Indictment (ECF No. 1) on November 29, 2012. Change of Plea Minutes, ECF No. 72; Plea Memorandum, ECF No. 74. This Court entered the Preliminary Order of Forfeiture as to Berry (ECF No. 73) on November 29, 2012; the Amended Preliminary Order of Forfeiture as to Campbell (ECF No. 76) on February 28, 2013; the Final Order of Forfeiture as to Berry (ECF No. 85) on March 25, 2013; and the Final Order of Forfeiture as to Campbell (ECF No. 90) on June 5, 2013, which listed the following property:

1. \$1,000.00 in United States Currency;
2. a Ruger, model P95, 9mm handgun, bearing serial number 315-35753; and
3. any and all ammunition.

The United States of America (“United States”) does not have custody of the \$1,000 in United States Currency listed in the Preliminary Order of Forfeiture as to Berry (ECF No. 73), the Amended Preliminary Order of Forfeiture as to Campbell (ECF No. 76), the Final Order of Forfeiture as to Berry (ECF No. 85), and the Final Order of Forfeiture as to Campbell (ECF No. 90).

The United States’ forfeited interests and rights in the \$1,000 in United States Currency listed in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90) have expired. “Any property right or interest not exercisable by, or transferrable for value to, the United States shall expire and shall not revert to the defendant . . .” Title 21, United States Code, Section 853(h); Title 18, United States Code, Section 1963(f); *see also United States v. Conner*, 603 F. Supp.2d 890, 896 (W.D. Va. 2009).

...

1 Based on the foregoing, this Court should enter an order indicating (a) the United States'
2 interests and rights in the \$1,000 in United States Currency listed in the Preliminary Order of
3 Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture (ECF No. 76), and Final Orders
4 of Forfeiture (ECF Nos. 85 and 90) have expired; and (b) the \$1,000 in United States Currency listed
5 in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture
6 (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90) will not revert back to the
7 defendants and/or any persons acting in concert with them and/or on their behalf.

8 Dated this 17th day of October, 2013.

9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ Daniel D. Hollingsworth
12 DANIEL D. HOLLINGSWORTH
13 Assistant United States Attorney
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PROOF OF SERVICE

I, Michelle C. Lewis, certify that the following individuals were served the within and foregoing **UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS EXPIRED IN THE UNITED STATES CURRENTLY LISTED IN THE PRELIMINARY ORDER OF FORFEITURE, AMENDED PRELIMINARY ORDER OF FORFEITURE, AND FINAL ORDERS OF FORFEITURE** on October 17, 2013, by the below-identified method of service:

CM/ECF:

Robert M. Draskovich, Jr.
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/s/ Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RHYN EMIL CAMPBELL, and
PHILLIP BERRY,

Defendants.

2:11-CR-250-MMD-(CWH)

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America's interests and rights expired in the \$1,000 in United States Currency listed in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the \$1,000 in United States Currency listed in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90) will not revert back to the defendants and/or any persons acting in concert with them and/or on their behalf.

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: October 18, 2013